

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

13-CR-6059

RONALD SPOOR

Defendant

This case was referred by text order of the undersigned, entered April 11, 2013 to Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B), ECF No. 7. On October 4, 2013, Defendant filed an omnibus motion, ECF No. 18, seeking *inter alia*, suppression of statements purportedly made by Defendant to law enforcement on December 6, 2012, based upon his contention that his advisement of rights did not meet constitutional standards. As to Defendant's application to suppress statements, an evidentiary hearing was commenced on June 18, 2014 and continued on July 9, 2014 and August 4, 2014. On June 17, 2015, Magistrate Judge Feldman filed a Report and Recommendation ("R&R"), ECF No. 62, recommending that Defendant's application to suppress statements be denied. Defendant timely filed objections to the R&R on August 6, 2015, ECF No. 66, arguing that "Judge Feldman's decision erroneous [*sic*] found that on December 6, 2012 Defendant was adequately advised of his rights pursuant to *Miranda v. Arizona*, 384 US 436 (1966)."

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the R & R to which objections have been made. Upon a *de novo* review of the R&R, including a review the transcripts, ECF No. 36, 37, 38 of the evidentiary hearing held on June 18, 2014, July 9, 2014, and August 4, 2014,

the Court accepts the proposed findings and recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Feldman's R&R, ECF No. 62, defendant application to suppress statements, ECF No. 18, is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
September 10, 2015

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge